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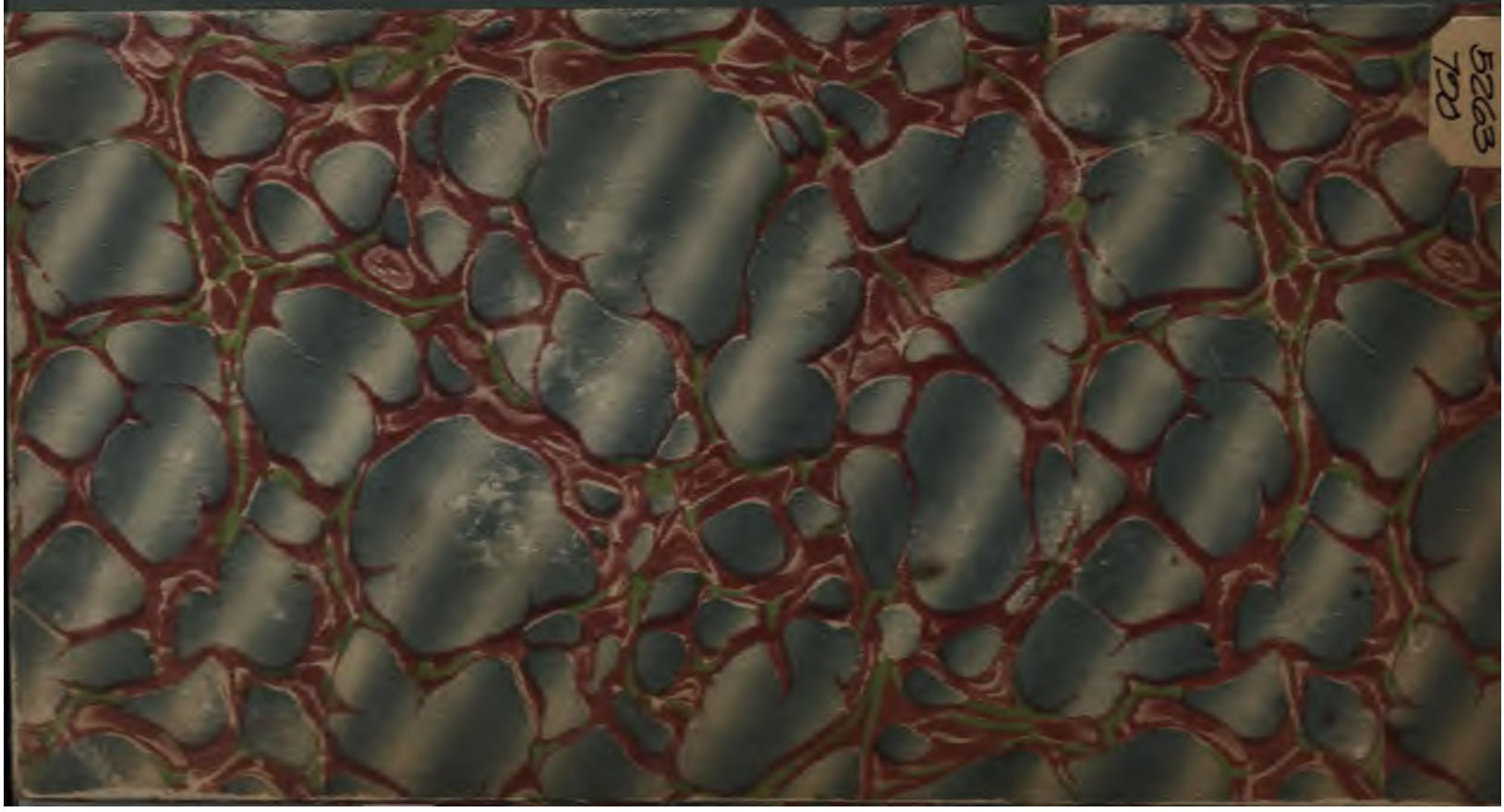

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SLAVERY IN THE TERRITORIES.

BY

PRESIDENT JAMES C. WELLING,

Columbian University, Washington, D. C.

(From the Annual Report of the American Historical Association for 1891, pages 133–160.)

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VII.—SLAVERY IN THE TERRITORIES.

BY PRESIDENT JAMES C. WELLING, OF COLUMBIAN UNIVERSITY, WASHINGTON, D. C.

SLAVERY IN THE TERRITORIES.*

By President JAMES C. WELLING.

In every conflict of opposing and enduring forces in the sphere of politics, we must distinguish between the forces themselves and the point of their impact. Yet it is only as we take the forces at the point where they impinge that we can ascertain either their nature or their momentum, either the modes of their composition or the resultant direction in which they are tending at any given moment. The discovery of the New World brought into the sphere of European politics a vast complex of international forces which found their first collisions in the conquest, partition, and settlement of the North and South American continents, that is, in the seizure and occupation of waste and derelict lands in the domain of savagery, to be exploited under a higher civilization as new sources of economical advantage, as new fields of religious propagandism, and as new seats of political aggrandizement.

The independence of the United States, followed as it soon was by the independence of the Spanish-American States, put the free play of these European forces in circumscription and confine, so far as they had previously moved in schemes of colonization or in projects of the Holy Alliance proposing to make these continents an appendix to the European equilibrium. "The Monroe doctrine," under the first of its heads, was a notice served on European States by the Government of the United States that "the North and South American conti-

*This paper is in part the fruit of studies which began more than thirty years ago, when, on the brink of our civil war, the writer was called, as one of the editors of the National Intelligencer, to review in that journal the successive phases of "the Territorial Controversy." The point of view is of course entirely changed, for what was then discussed as a lesson in politics is here discussed as a lesson in history, with the difference of perspective that is implied in the well-known saying of Freeman.

nents, by the free and independent condition which they had assumed and maintained (in the year 1823) were henceforth not to be considered as subjects for future colonization by any European power." From that day to this no European power has planted any new colony on any part of the American continents. "The Monroe doctrine," under the second of its heads, declared it "impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness." From that day to this the independent States of North and South America have been free to work out their own destiny apart from the dynastic schemes of Europe.

With the Declaration of Independence by the United States there arose, however, a new order of economical and political forces, and these new forces could but generate a new order of problems when they came to find new points of impact in the unoccupied territory comprised within the bounds of the Federal Union. The most difficult of all these problems, and therefore the point at which the conflict of opposing forces has always been hottest, must still be sought by the historian in questions relating to the occupation and government of land considered as the seat and symbol of economical precedence or political supremacy. Everybody knows that the first great dissidence among the States of the American Union—a dissidence which parted States during the Revolutionary period as the distinction between Whig and Tory parted individuals—was that which arose concerning the ownership and political disposition of the so-called "back lands." How this question delayed the ratification of the Articles of Confederation until the Revolutionary war was approaching its end is matter of familiar history.

But it is not so generally known, I think, that this same question interposed an almost insuperable barrier to the conclusion of peace with England in 1783, and well nigh lighted up the flames of a civil war between the "landed" and the "landless" States at the moment of their free and independent autonomy. This same unsettled problem so perplexed the deliberations of the Federal Convention of 1787 that it was the one question which the patriots and sages of that body could neither solve nor abate. Hence it was that, as I have shown in a paper previously read before the American Historical Association, they agreed to confess and avoid the then *existing antithesis* between the "landed" and the "landless"

States by leaving it behind them in the limbo of indefinite abeyance. It was because of an irreconcilable feud between these two classes of States that the adherents of each in the convention could agree on no form of words that should ascertain the relative rights of each class and of the United States in the matter of the new States that were to be erected on what was then the unoccupied territory formerly known as "the Crown lands."

On the 18th of August, 1787, and on motion of Mr. Madison, the committee of detail on the digest of the Constitution was instructed to consider the expediency of adding to the prerogatives of the Federal Legislature an express grant of power to institute temporary governments for new States arising on the lands not yet occupied. A discussion of the clause providing for the admission of new States into the Union brought the pending discord between the two classes of States to a violent rupture. Those members who believed that the United States had established a rightful claim to the "back lands" previously vested in the Crown, but now wrested from the Crown by the joint efforts of all the States, were vehement in demanding an express recognition of this claim in the terms of the Constitution, and when they could not extort such a concession from members representing States which had not yet ceded their unoccupied land, they were compelled to satisfy themselves with a simple plea that the Constitution should at least be silent on the subject.

Even Daniel Carroll, of Maryland, representing a State strenuous above all others in asserting the claims of the Union to a proprietary and political interest in the "back lands," was brought to such a mood of despondency by the conflict of opinion on this whole subject that, instead of pressing his motion that "nothing in the Constitution should be construed to affect the claims of the United States to vacant lands ceded to them by the Treaty of Peace," he was fain to withdraw that motion, and to propose that nothing in the Constitution should be so construed as to alter under this head "the claims of the United States *or of the individual States*, but that all such claims should be examined into, and decided upon by the Supreme Court of the United States."

It was immediately on the heel of this "irrepressible conflict of opposing and enduring forces" in the matter of new States to be carved out of public lands, that Gouverneur Morris

moved to transfer the whole conflict from the question of admitting new States to the question of governing the territory considered as property of the United States. He proposed that the Convention should agree to disagree as to the application of the territorial clause to so much of the public lands as was still in dispute between two classes of States and the United States. Hence, the origin of the territorial clause as it stands to-day in the Constitution: "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States, *and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.*" That is, this grant of power was made absolute for the purposes of Congressional legislation respecting the territory, and was left as colorless, indefinite, and nugatory as possible in respect of its application to any conflicting claims which should be put forward by either the United States or any of the particular States at variance on this subject. And this was avowedly done in order to blink and leave *in statu quo* a feud which could not be adjusted, and in order to remit to the Federal judiciary the settlement of a question which the framers of the Constitution felt themselves unable to solve. We thus see that the same territorial quarrels which had dragged their slow length along through the Revolutionary period were the hissing serpents which came to the cradle of our infant Hercules before he was yet wrapped in the swaddling bands of the Constitution; and he had not strength to throttle them. We see, too, that before our present Government had been framed the expedient of referring to the Supreme Court any Gordian knot which the politicians found themselves unable to untie was accepted by our fathers as the salutary makeshift of an incompetent statesmanship.

It is because the "territorial clause," in respect of its application to disputed territory covered by it, represented a drawn battle between two classes of States that it paved the way for any number of drawn battles between any other two classes of States which should subsequently find themselves at variance as regards the public territory. *Hoc fonte derivata clades.* The Congress of the United States, after passing through an Odyssey of wanderings and an Iliad of woes in this same matter of the public territory and its government, was compelled, in the year 1854, to face the same deadlock with which the

framers of the Constitution had been confronted in 1787, and for the same reason—the presence of two opposing and equipollent forces pulling in opposite directions. We shall see, too, that the politicians of the later period were equally doomed to seek a rescue from the Caudine Forks of an insolvable political dilemma by invoking the succor of the Supreme Court to determine for them the meaning of their own statute when, in the case of the Kansas and Nebraska bill, a disputed question had arisen under it, not only between two classes of States in the bosom of the Republic, but between two factions in the bosom of the same political party.

In the discussion before us it is proposed to deal with the government of the public territory only so far as that government has been affected by the presence of divergent views concerning slavery in our Federal councils. The subject of slavery appears for the first time in this relation under cover of a bill submitted by Mr. Jefferson in the Continental Congress on the 1st of March, 1784, for the temporary government of the western territory, "ceded or to be ceded by individual States to the United States." This bill provided for the prohibition of slavery, after the year 1800, in the ten States proposed to be carved out of the territory in question. This first attempt to secure the restriction of slavery fell through, because New Jersey had only one delegate present in Congress at that date, and therefore her vote could not be counted to make the requisite majority of all the States in favor of the measure. The States which voted in the negative were Maryland, Virginia, North Carolina, and South Carolina. Georgia was unrepresented. The bill was passed without the antislavery restriction on the 23d of April, 1784.

On the 16th of March, 1785, Rufus King, of Massachusetts, moved for the immediate prohibition of slavery in all the States "described in the resolve of Congress of April 23, 1784," and the motion was committed for discussion by the vote of eight States—Virginia, North Carolina, and South Carolina voting in the negative, the vote of Georgia not being counted, because she had but one delegate present, and Delaware not being represented at all at that moment. The territorial question was thus brought before Congress for renewed debate, and this debate resulted at length in the passage of the famous "Ordinance of 1787" on the 13th of July in that year. That ordinance provided for the prohibition of slavery in the States to be formed

in the northwestern territory, but provided at the same time for the rendition of fugitive slaves escaping from their owners to any part of said territory.

We do not know at the present day all the procuring causes of the bargain that was made between the delegates of the trading and of the planting States who (with the exception of Peter W. Yates of New York) gave their unanimous assent to this great measure—the matrix and norm of all our earlier legislation concerning the Territories. But we do know, on the testimony of William Grayson of Virginia, that the Southern delegates had "political reasons" as well as economical reasons in voting as they did at that juncture. It is obvious enough that the Eastern States voted for the ordinance from economical motives combined with their moral and political repugnance to the spread of slavery. *Their* gain was immediate and patent. The Southern States, on their part, gained new guards for the stability of slavery in the States where it already existed, by the stipulation for the recovery of their runaway slaves; they gained a reduction, from ten to five, in the number of "free States" that were to be carved out of the territory in the Northwest; and they established a precedent which could be pleaded, and which three years later *was* pleaded, for the parallel and lateral extension of slaveholding States toward the West on the territory afteward ceded.

The Ordinance of 1787, two days after its passage, was communicated by Richard Henry Lee to Gen. Washington, then presiding over the Federal Convention. It was published at length in a Philadelphia newspaper, and was formally cited in the debates of the Convention. It doubtless furnished the germ from which the fugitive-slave clause was planted in the Constitution. The Ordinance of 1787 had converted the slave into a *villein regardant* as respects the Northwest Territory. The Constitution now proposed to make him a *villein regardant* as respects the territory comprised in the Union of the States. In virtue of these two provisions Gen. Charles Cotesworth Pinckney could say in the South Carolina Convention of 1788 that the slaveholding States had thereby "obtained a right to recover their slaves in whatever part of America they may take refuge, which was a right they had not before." (*Elliot's Debates*, Vol. IV, p. 286.)

It was held alike by James Madison and Alexander Hamilton that the Ordinance of 1787 had been passed without the

least color of authority under the Articles of Confederation. But the Sixth Article of the Constitution provided that "all engagements entered into before the adoption of the Constitution should be as valid against the United States under this Constitution as under the Confederation." This clause was held to have brought the engagements of the Ordinance of 1787 under the sanctions of the new charter. The first Congress which met under the Constitution passed an act to adapt certain provisions of the ordinance to the Constitution; and the State of Virginia on the 30th of December, 1788, and therefore after the ratification of the Constitution, assented to the Fifth Article of the ordinance—being the only one of the articles which required the assent of that particular State.

In the debates had on the Constitution while it was pending before the Conventions of the several States, I do not find that "the territorial clause" was formally cited by more than a single individual, James Wilson of Pennsylvania, and his reference to it, in its relation to slavery, was perhaps more optimistic than critical. He expressed the opinion that the new States which were to be formed out of the territory ceded or to be ceded "would be under the control of Congress in this particular, and slaves will never be introduced among them." (*Elliot's Debates*, Vol. IV, p. 452.) Cf. Elliot's Debates, vol. III, p. 363, & p. 365.

Less than a month after the passage of the Ordinance of 1787 the legislature of South Carolina ceded to the United States all her "right, title, and claim, as well of soil as jurisdiction," to the territory lying between her western boundary and the Mississippi River. This cession was made on the 9th of August, 1787, in full view of the legislation of the Continental Congress prohibiting slavery in the Northwest. Yet no reservation was made by South Carolina in favor of the right of her citizens to migrate to the ceded territory with their slave property.

But when North Carolina came in the year 1790 to make the cession of her "back lands," which bordered more or less closely on the Northwest Territory, she was careful to premise that the territory so ceded should be laid out and formed into a State or States, and that the inhabitants of such State or States "should enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late [Continental] Congress for the government of the Western Territory of the United States, *Provided, always*, that no regulations made or to be

made by Congress should tend to emancipate slaves." Congress accepted the deed of cession with the condition annexed, and organized the "Territory south of the Ohio" in the same year. This Territory was admitted into the Union as the State of Tennessee on the 1st of June, 1796. In the interim no "regulation" was made by Congress respecting slavery.

It is plain that the stipulation made by North Carolina that no "regulations" should be made by Congress "tending to emancipate slaves" in her ceded territory, had been inspired by the terms of the Constitution empowering Congress to "dispose of and make all needful rules and *regulations* respecting the territory belonging to the United States." As showing the continuity of public thought in this matter, it may be interesting to state that the language of the Constitution under this head was doubtless inspired by the terms of the Resolution under which the Continental Congress, on the 10th of October, 1780, had requested the States to cede their vacant lands to the United States. In that resolution it had been promised that the said lands should be settled "at such times and under such *regulations* as shall hereafter be agreed on by the United States in Congress assembled." The power of Congress to prescribe "regulations" for the territory was therefore rooted not only in the text of the Constitution but in the past territorial policy of the Government under the Confederation. And for this reason it was that North Carolina insisted in her deed of cession that Congress should make no "regulations tending to emancipate slaves." Congress in accepting the cession with the condition annexed by this particular State had trammeled its plenary power over the territory in question. To this extent the idea of a partition of the public territory between the planting and the trading States had begun to imbed itself in our polity and politics.

This idea was soon reënforced by the formal and deliberate initiative of Congress itself. In the year 1798 Congress solicited from Georgia "any proposals for the relinquishment or cession of the whole or any part" of her unsettled territory, with a proviso that any such ceded district should be erected into a temporary government under the name of the "Mississippi Territory;" and with a further proviso that this temporary government should be "in all respects similar to that existing in the Territory northwest of the river Ohio, *excepting and excluding* the last article made for the government thereof by the late

[Continental] Congress on the 13th day of July, 1787," that is excepting and excluding the article which prohibited slavery. This is the first case in the history of the country under the present Constitution in which Congress was left perfectly free to regulate slavery in a Territory according to its own will and pleasure. It had inherited the "regulations" of the Northwest Territory under this head from the Continental Congress. Its hands had been tied as to this subject by North Carolina's deed of cession. But as regards the territory carved from Georgia, Congress volunteered of its own mere motion to make an exception in favor of slavery. The issue was distinctly brought to public notice while the Georgia cession bill was under consideration in the House of Representatives.

Mr. George Thacher, of Massachusetts, moved to strike out the clause which saved and excepted slavery from the inhibition prescribed by the Ordinance of 1787. An animated debate ensued. On the part of "the South" it was argued, to cite the exact words of Robert Goodloe Harper, of South Carolina, that "in the Northwestern Territory the regulation forbidding slavery was a very proper one, as the people inhabiting that part of the country were from parts where slavery did not prevail, and they had of course no slaves amongst them; but in the Mississippi Territory it would be very improper to make such a regulation, as that species of property already exists, and persons emigrating there would carry with them property of this kind. To agree to such a proposition would, therefore, be a decree of banishment to all the persons settled there, and of exclusion to all those intending to go there. He believed it could not therefore be carried into effect, as it struck at the habits and customs of the people." On the part of "the North" it was held by Albert Gallatin, of Pennsylvania, that the prohibition of slavery in the Mississippi Territory could not produce "a worse effect than the same regulation in the Northwestern Territory;" that the jurisdiction of the United States was as complete in the one case as in the other; that to legalize slavery under the temporary government of a Territory would be to fasten it on the same country "for all the time it is a State;" and that, it having been "determined that slavery was bad policy for the Northwestern Territory, he saw no reason for a contrary determination with respect to this Territory." The sectional antithesis on this subject being thus distinctly presented, the House of Representatives rejected the amend-

ment of Mr. Thacher by an almost unanimous vote, only 12 members voting in its favor. The Legislature of Georgia formally closed with the bargain offered by Congress, and on the 24th of April, 1802, passed an act of cession which expressly stipulated that the Sixth Article of the Ordinance of 1787, so far as it prohibited slavery, "should *not* extend to the territory contained in the present act of cession." The idea of a partition of public territory between the slaveholding and the non-slaveholding States had now obtained a formal recognition.

Yet the Congress of that day, in the very act of making this concession to the spread of slavery in the Southwest, was careful to accentuate its discretionary power to regulate slavery in the Territories. It was ordained in the very bill which organized the territorial government of Mississippi that "no slave should be imported or brought into it from any port or place *outside of the United States.*" To understand the purport of this "regulation" we must remember that while Congress at that date, and until the year 1808, could not, in legislating for the States, prohibit the slave trade, it did not rest under any such disability in legislating for the Territories. That is, the National Legislature, in the plenitude of its power over slavery in the Mississippi Territory, conceded to the citizen of any slaveholding State a right to migrate into that Territory with his slave property, but *not* the right to import slaves from abroad, and this, too, although that right inured to him so long as he retained his domicile in a State which still tolerated the slave trade. The slaveholding citizens, therefore, of States which still tolerated the slave trade were shorn of a measure of their "State rights" by the mere act of migrating into the Mississippi Territory, where they came under the exclusive jurisdiction of Congress. The plenary and discretionary power of Congress over slavery in the Territories was emphasized alike by what it permitted and what it prohibited in the premises.

So prevalent at this date, and for many years later, was the popular impression as to the power of Congress to regulate slavery in the Territories that we find individual citizens and organized communities in the Northwest Territory petitioning Congress to rescind or at least to suspend in their favor so much of the Ordinance of 1787 as placed an interdict on slavery. Not to cite all these instances, it may suffice to say that on the 25th of April, 1796, four settlers of the "Illinois country," speaking in behalf of the inhabitants of St. Clair and Ran-

dolph counties, in the Northwest Territory, presented a memorial to Congress representing that they were possessed of a number of slaves, "the right of property in which the Sixth Article of the Ordinance of 1787 seemed to deny without reason, and without their [the owners'] consent." Accordingly they prayed for the repeal of that restriction and for the passage of an act affirming their right to hold slaves "under such *regulations* as may be thought necessary." Contemplating nothing more than a provisional toleration of slavery, they further asked Congress to declare "how far or for what period of time masters of servants [slaves] are to be entitled [in the Northwest Territory] to the services of the children of parents born during such servitude, as an indemnity for the expense of bringing them up in their infancy." The committee of the House of Representatives to whom the memorial was referred made a report adverse to the petition on the 12th of May, 1796, and the matter was dropped.

At a subsequent day a similar petition, proceeding from a convention of the inhabitants of Indiana Territory, held at Vincennes, William Henry Harrison, the governor of the Territory, presiding, was submitted to Congress. The committee of the House of Representatives, to whom the memorial was referred, reported adversely to the petition on the 2d of March, 1803, John Randolph, of Roanoke, being the author of the Report. The committee deemed it "highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the Northwestern country, and to give strength and security to that extensive frontier." The committee based their decision entirely on considerations of prudence and expediency, not at all on any question as to the power of Congress over the subject. The whole matter was again dropped. (*House Journal*, Vol. IV, p. 381, second session Seventh Congress.)

At a still later day, the Legislative Council and House of Representatives of the Territory of Indiana adopted a series of resolutions which Governor William Henry Harrison approved, praying a suspension of the Sixth Article of the Ordinance of 1787. As this document emanated from the Territorial legislature it came before Congress with the force and effect of an official proceeding. It was referred to a special committee of the House of Representatives on the 6th of November, 1807; this committee made an adverse report in the

premises, and the House concurred in their denial of "popular sovereignty in the Territories." The landmark of freedom set up by the Ordinance of 1787 for the benefit of the Northwest Territory was left undisturbed.*

Meanwhile a new and larger territorial question had come to vex the councils of the nation. The status of the Louisiana country, under the stipulations of the treaty by which France ceded it to the United States, could but give rise to questions which were entirely novel as to the constitutional power of Congress to regulate slavery in newly acquired territory, and therefore in territory outside of the Constitution at the date of its adoption. It is known that the treaty of cession contained a stipulation to this effect: "The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted, as soon as possible, according to the principles of the Federal Constitution, to all the rights, advantages, and immunities of citizens of the United States; and in the meantime shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

A question was early raised as to the quality and extent of the recognition implied by the word "property," as used in this clause. By the opponents of slavery it was contended that the term "property," as here employed, could import only such property as was universally recognized "according to the principles of the Federal Constitution," and therefore could not extend to "property in slaves," which was purely the creature of municipal law. But Congress soon came to the resolution of such questions by erecting the Louisiana country into two municipal communities, one of which, the Southern, was called the "Territory of Orleans," and the other of which, the Northern, was called the "District of Louisiana." In the southern territory the institution of slavery was left undisturbed, but the importation of slaves from abroad was prohibited. The northern district was summarily annexed to the jurisdiction of Indiana Territory, and so became subject to the principles of the ordinance of 1787, including the Sixth Article, which prohibited slavery. Again the discretionary power of Congress over slavery in the Territories was exemplified, and again did the policy of an equitable partition of territory

*Annals of Congress. Tenth Congress, first session, p. 919.

between "the North" and "the South" receive a fresh affirmation.

Under a new charter of temporary government given by Congress to the Territory of Orleans on the 2d of March, 1805, and under the terms of which any implied restrictions on slavery had been expressly repealed, it was held by many persons that even the interdict previously laid on the slave trade from abroad had been also repealed. It is probable that this construction was not foreseen or intended by Congress, but in fact the foreign slave trade was revived for a season at the port of New Orleans under color of such an interpretation, and its prosecution was winked at by the Federal authorities. It should be recalled that South Carolina, after having interdicted the foreign slave trade for a time, had revived it in 1804, in prospect of its speedy termination by Federal enactment after 1808, and a new activity was thereby given to the nefarious traffic by vessels clearing from the port of Charleston to the port of New Orleans.*

The attention of Congress having been called to this subject by a member of the House of Representatives from South Carolina, Mr. David R. Williams, and a committee having been raised on his motion to consider "what additional provisions were necessary to prevent an importation of slaves into the Territories of the United States;" this committee, of which Mr. Williams was chairman, reported a resolution condemnatory of the foreign slave trade as to "any of the Territories of the United States." The resolution was adopted, and a committee was appointed to bring in a bill pursuant to its terms, but the measure failed to be acted on, notwithstanding the energy with which it was pressed by Mr. Williams.

The foreign complications of the United States with England and France, which, extending from the beginning of our Government, had resulted at last in a war with the former power, came in 1812 to transfer the stress of the sectional feud between "the North" and "the South," from questions concerning the power of Congress to regulate slavery in the Territories to questions concerning the power of Congress to regulate commerce, to pass embargo laws, and thus to impair the rights of shipping property in the trading States. The discontents of the Eastern States came to a head in the Hartford

*Annals of Congress. Sixteenth Congress, first session, vol. I, pp. 263, 266.

Convention, and when these discontents had been appeased by the repeal of the embargo act and the return of peace, the sectional feud again swayed back to the question of the Territories, and in the years 1819 and 1820 vented itself in a fierce struggle over the admission of Missouri as a slave-holding State, and over the organization of Arkansas as a slave-holding Territory.

We have seen that an impassable chasm had been opened in the Federal convention of 1787, between two classes of States differently interested in the disposition that should be made of the vacant lands, and that this chasm was opened in the forum of the convention so soon as the question arose in that body as to the constitutional provision that should be made for the admission of new States into the Union. In the year 1820, in this same matter of the public territory, an irrepressible conflict arose between two classes of States differing in their social systems, in their economic pursuits, and in their political predilections. The impassable chasm between the States was here opened in the forum of Congress on a question then and there raised as to the terms and conditions on which Missouri should be admitted into the Union of States. The chasm had been temporarily closed in 1819 by the allowance of slavery in the bill organizing the Territory of Arkansas.

Missouri after having been temporarily included in the District annexed to the Territory of Indiana, and after passing through other stages of Territorial subordination, had been erected into a separate Territory by act of Congress, approved June 4, 1812. In this act no restriction of any kind was laid upon slavery, and greater legislative power was vested by Congress in the General Assembly created under the act than had been previously conceded to the legislature of any Territory.

What is called "the Missouri question" arose in the first stage of its emergence, from an attempt made in the House of Representatives to insist on the prohibition of slavery in Missouri as the condition of her admission into the Union. It was proposed to put this condition in the act of Congress authorizing the Territory to frame a State constitution. The opponents of this restriction, while generally admitting the sovereignty of Congress over the Territories in the matter of slavery, were unanimous in denying this prerogative to Congress in the hour and article of admitting *a State* into the Federal Union for the obvious reason that such a re-

striction, in the absence of any constitutional power to impose it, would be the exercise of arbitrary authority; would impair the autonomy of a "sovereign State;" and would destroy the equality of the States in a matter left free to each under the Constitution. Southern statesmen like McLane, of Delaware, and Lowndes, of South Carolina, frankly admitted the discretionary power of Congress to regulate slavery in the Territories. So far as I can discover, John Tyler, of Virginia, then a member of the House of Representatives from that State and afterwards President of the United States, was the only person on the floor of either House of Congress who openly questioned it at that juncture.

Everybody knows that the scission between the slaveholding and the nonslaveholding States in this great crisis of our political history was closed by what was called "the Missouri compromise." That celebrated compromise was brought forward in the shape of an amendment to the bill which provided for the immediate admission of Missouri as a slaveholding State, and provided further that slavery should be forever prohibited "in all the territory ceded by France to the United States, under the name of Louisiana, lying north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the State of Missouri." The compromise was adopted in the Senate on the 17th of February, 1820, by a vote of thirty-four yeas to ten nays. In the House of Representatives it was passed by a vote of one hundred and thirty-four yeas to forty-two nays. A partition of the territory of the United States between the two classes of States at variance was now enacted into the statute law of the land.

Florida was purchased from Spain in 1821, and was erected into a Territory in 1822, with the toleration of slavery, but not without the intervention of Congress at a later day to revise certain "regulations" of the Territory which moved in the matter of slavery and its relations. The Legislative Assembly of Florida undertook to impose discriminating taxes on the slave property of nonresidents. All such discriminating taxes were formally disallowed by Congress, which thus asserted its just supremacy over each of the Territories during the period of their territorial vassalage.

The passage of "the Missouri compromise" marks the close of an old order and the beginning of a new in the secular controversy over the disposition and regulation of slavery in the

public territory. Mr. Jefferson confessed at the time that this Missouri question, "like a fire bell in the night, awakened and filled him with terror," as being "the knell of the Union." He predicted again and again that the geographical line fixed by that compromise, because it "coincided with a marked principle, moral and political," and because it thereby created a clean and clear line of cleavage between the slaveholding and the nonslaveholding States, would never be obliterated, but would be marked deeper and deeper by every new irritation in our Federal politics. He saw with the eye of a political philosopher that the controversy between our two classes of States differently related to the subject of slavery had passed from the sphere of *economics* into the sphere of *politics*, and that, too, into the sphere of politics made blood-warm by conflicting interests, and touched into a fine frenzy by conflicting views as to the ethics of slavery. From the first there had been a *tacit* attempt to effect the partition of public territory between the planting and the trading States, and to the end that the pending equilibrium between the two classes of States might be maintained as far as practicable, it had not been uncommon to provide for the twin admission of a "slave State" and of a "free State" into the Federal Union. But now the antithesis between the "slave States" and the "free States" was distinctly articulated in the polity and politics of the country. Henceforth the feud between them would be as internecine, so Jefferson said, as the feud between Athens and Sparta. He descried from afar the advent of a new "Peloponnesian war."

His vision was true, but his analysis was insufficient. For in truth it was no fault of "the geographical line" fixed by the Missouri compromise that that line was so portentous, and that forty years afterwards, as Jefferson feared in 1820, it bristled with the bayonets of "States dissevered, discordant, belligerent." The fault was in the opposing and enduring forces which eagerly confronted each other across the line—forces of thought and passion so persistent and immitigable, that even when the party leaders of each seemed to be singing truce with their bugles, they were really marshaling their clans for new civic feuds of ever-widening sweep and ever-deepening intensity.

In the year 1845 the Republic of Texas was admitted into the Union by joint resolution of both Houses of Congress, and with a provision, *inter alia*, that "the Missouri compromise

line," as a recognized compact between the sections, should be applied to the territory in case of its partition into States. The idea of a Territorial "partition" was again embodied in our polity and politics.

The annexation of Texas had for its natural, if not its inevitable, sequel, the war with Mexico, which resulted in the Treaty of Peace concluded at Guadalupe Hidalgo, and the ratifications of which were exchanged between the two countries at Queretaro on the 30th of May, 1848. By this treaty a vast accession was made to the Territorial possessions of the United States. The annexation of Texas had been avowedly prosecuted in the interest of slavery, considered as a political institution. It was so interpreted by Mr. Calhoun, as Secretary of State, in a letter written by him to Mr. Pakenham, the British Minister, under the date of April 18, 1844. The Mexican war, though declared by our Congress to have been begun "by the act of Mexico," was held by many at the South as well as at the North to have been precipitated by the act of the Administration of President Polk in ordering an advance of United States troops on the territory in dispute between Texas and Mexico. Supporters of the war at the South had not hesitated to call it "a Southern war," because it portended the aggrandizement of slavery considered as a political institution. Such sectional irritations could but excite a counter irritation among the representatives of "the North" in Congress. As early as the 9th of August, 1846, on the introduction of a bill in the House of Representatives appropriating $2,000,000 to aid in the adjustment of our difficulties with Mexico, Mr. David Wilmot, of Pennsylvania, brought forward his celebrated proviso, drawn, *mutatis mutandis*, from the Ordinance of 1787, but denuded of the clause enjoining the rendition of fugitive slaves. It was expressed in the following terms:

"Provided, that as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime whereof the party shall be duly convicted."

The bill with this proviso annexed was passed in the House of Representatives by a vote of eighty-five yeas to seventy-nine nays. The bill as thus amended went to the Senate,

where, by parliamentary strategy (that is, by "talking it to death"), the opponents of the bill caused it to fall through for want of time to act upon it before the hour fixed for the adjournment of Congress at that session. At the next session a similiar bill was passed, with a similar proviso, declared to be applicable "to all territory on the continent of America which shall hereafter be acquired by or annexed to the United States." The sweeping proviso, after being adopted in committee of the whole, was finally rejected in the House of Representatives on the 3d of March, 1847, by a majority of only five votes.

The treaty of Guadalupe Hidalgo was, therefore, concluded and ratified in full sight of the sectional exasperations it was designed to foment. Henceforth the "Territorial Question" assumed vaster proportions, commensurate not only with the extent of the newly-acquired domain secured from Mexico, but also with the growing rivalry of the two antagonistic sections. The Constitutional relations of the question were complicated, besides, with recondite questions of public law as to the force and effect of the local municipal law of Mexico in the matter of slavery. On the one hand it was contended that the slaveholder had no right to migrate to the new territory with his slave property, because, by the Constitution of Mexico, the institution of slavery, always the creature of positive municipal law, could have no recognized existence on the soil in question. On the other hand it was argued that the territory of the United States, as the common possession of the several States, was held in trust by the Federal Government for the common enjoyment and equal benefit of all the people of the United States, with all the rights, privileges, and immunities severally secured by law to the inhabitants of the several States. It was further argued on this side that, at the moment the new acquisition was consummated, the antecedent municipal law of Mexico was superseded by the Constitution of the United States, which, *proprio vigore*, extended its sway over the annexed domain, and placed the rights of the slave-owner under its shield.

In this attitude of the question a proffer was made by Southern members of Congress to effect a truce between the sections by extending "the Missouri compromise line" to the Pacific Ocean. The proposition was rejected by the Northern members, who, in the stage which the controversy had now reached,

steadfastly resisted any further "partition" of territory for the extension of slavery. Many were the parleys held in hopes of effecting a political armistice. By what is known as "the Clayton compromise," so named from the Delaware Senator, Mr. John M. Clayton, whose name it bears, it was proposed that "the whole territorial question," as then pending, in relation to Oregon, California, and New Mexico should be referred to a special committee of eight Senators, four from "the North," and four from "the South," who should also be equally divided in a party sense between Democrats and Whigs. In this committee it was proposed by a Southern member to reaffirm "the Missouri compromise line" as a basis of settlement. The proposition was rejected by the Northern members. This deadlock caused, as Mr. Calhoun afterwards said, "a solemn pause in the committee." When all prospect of an agreement on "the Missouri compromise line" had vanished in this committee, it was proposed by the Southern members to "rest all hope of settlement on the Supreme Court as the ark of safety." The refuge sought by the fathers in the Federal Convention of 1787 now seemed the only asylum open to their children in the Congress of 1848. The fathers had eaten sour grapes and the children's teeth were set on edge. A bill was matured in the committee, providing for an appeal to the Supreme Court of the United States from all decisions of a Territorial judge in cases of writs of *habeas corpus*, or other cases where the issue of personal freedom should be involved; the bill was reported from the committee with the approval of three-fourths of their number, but, after passing through the Senate, was defeated in the House of Representatives by a vote of one hundred and twelve nays to ninety-seven yeas. Five-sixths of the negative votes came from the Northern States.

After the failure of "the Clayton compromise," a bill organizing the Territory of Oregon was passed as a separate measure, with a proviso annexed prohibiting slavery in the terms of the Sixth Article of the Ordinance of 1787. President Polk in an elaborate message to Congress justified his approval of the bill by reasons drawn from the precedent set in the Missouri compromise act of 1820, as reaffirmed at the annexation of Texas. If William Grayson avowed that the Southern delegates in the Continental Congress of 1787 had "political reasons" in voting for the prohibition of slavery in the Northwest Territory, President Polk made no secret of the fact that he had

"political reasons" in accepting the prohibition of slavery in Oregon—because it laid the basis of an argument for the parallel and lateral spread of slavery to the Pacific Ocean, on the old theory of an equitable "partition" of territory between the two sections. So persistent, we see, was the stress of political motives in this struggle for a "partition of the Territories."

Rendered impotent by its dissensions, the Federal Legislature, though clothed with plenary power over the territory of the Union, had virtually abdicated its functions with respect to the new domain acquired from Mexico. We had "conquered a peace" from Mexico, but had lost it among ourselves. In prudent forecast of such disaster, Mr. Calhoun, with a patriotism which does him honor, had introduced a resolution in the Senate on the 15th of December, 1847, shortly after the opening of the Thirtieth Congress, declarative of the opinion that "to conquer Mexico and to hold it either as a province, or to incorporate it into the Union, would be inconsistent with the avowed object for which the war had been prosecuted [the redress of grievances]; a departure from the settled policy of the Government, in conflict with its character and genius, and, in the end, subversive of all our free and popular institutions." Mr. Webster was equally earnest in reprobating the dismemberment of Mexico, but these counsels of the two great opposing leaders passed unheeded by the zealots who at that time swayed the counsels of the administration.

On the 4th of March, 1849, the Administration of Gen. Zachary Taylor was called to inherit the fateful legacy bequeathed to it by his predecessor. He favored the early admission of California and New Mexico as States, under Constitutions which had been prepared at their own initiative, in the absence of enabling acts from Congress. Henry Clay, who had returned to the Senate at this crisis to lend his great abilities to the work of conciliation, proposed on the 29th of January, 1850, that the pending Territorial Questions should be settled as part and parcel of the wide agitations springing up from slavery in all its relations under the Constitution. The five measures which he advocated, to "staunch the five bleeding wounds of the country," were: (1) The immediate admission of California as a State; (2) the adjustment of the boundaries of Texas; (3) a more effective bill for the recovery of fugitive slaves; (4) the abolition of the slave traffic in the District of Columbia; and (5) the passage of organic acts for the territorial government

of Utah and New Mexico. These propositions, with all others pending on the same subject, were on the 19th of April, 1850, referred to a select committee of thirteen members, consisting of Messrs. Clay (chairman), Cass, Dickinson, Bright, Webster, Phelps, Cooper, King, Mason, Downs, Mangum, Bell, and Berrien. This committee submitted a Report covering all the points above enumerated, and accompanied the Report with a bill which, from the comprehensiveness of its scope, was called at the time "the Omnibus Bill." This bill, in its relation to the Territories, provided for their organization by acts of Congress, but declared that the legislative power under them should not extend to the passage of "any law in respect to African slavery." Pending the consideration of this bill, Jefferson Davis, of Mississippi, moved on the 15th of May to amend the bill by substituting for the words, "in respect to African slavery," the following clause: "No law shall be passed interfering with those rights of property growing out of the institution of African slavery as it exists in any of the States of the Union." At a later day a counter amendment was proposed by Salmon P. Chase, of Ohio, in the following terms: "*Provided, further*, That nothing herein contained shall be construed as authorizing or permitting the introduction of slavery or the holding of slaves as property within said Territory." These two amendments expressed the proslavery and the antislavery antithesis. After an animated debate they were both rejected in the Senate by a vote of 25 yeas to 30 nays. Various other amendments having then been offered and defeated, Stephen A. Douglas, of Illinois, moved to strike out the words relating to "African slavery," and to provide that "the legislative power of the Territory should extend to all rightful subjects of legislation, consistent with the Constitution of the United States." This amendment, after being at first treated with almost unanimous contempt, receiving only two votes, was finally adopted, and on the 31st of July, 1850, was incorporated in the Utah territorial bill, which was passed by a vote of 32 yeas to 18 nays. The lassitude of exhausted disputants rather than the cohesion of clear-thoughted opinion was represented in this majority vote.

It was sought by this amendment to remit the whole slavery discussion to the Territorial legislatures, "subject only to the Constitution of the United States," as interpreted by the Supreme Court. The expedient was unhappily open to a

double construction at the moment of its invention. Some who favored it at the North supposed that the inhabitants of a Territory would be left "perfectly free" to prohibit as well as to establish slavery during their period of Territorial dependence. Others who favored it at the South repelled this assumption as extra-constitutional so far as the prohibition of slavery was concerned, and held that all legislation of a Territory inimical to slavery would be null and void, because inconsistent with the Constitution of the United States. The bill as finally passed provided at first for the organization of Utah alone, but a few days later the Senate passed a similar bill for the Territorial government of New Mexico, and the House of Representatives having concurred in both, they were both signed by President Fillmore on the 9th of September, 1850.

In order to measure by a few criteria the magnitude and intensity of the opposing forces which had now come to their impact on the public territory, it is only necessary to recall the fact that, as early as the winter of 1844–'45, the Legislature of Massachusetts, borrowing a leaf from the Nullification history of South Carolina, had declared by a solemn act, on the eve of the annexation of Texas, that such an act of admission "would have no binding force whatever on the people of Massachusetts." On the other side the Legislature of Virginia declared on the 8th of March, 1847, that in the event of a refusal by Congress to extend "the Missouri compromise line" to the Pacific Ocean, or in the event of the passage of the "Wilmot Proviso," the people of that State "would have no difficulty in choosing between the only alternative that would then remain, of abject submission to aggression and outrage on the one hand, or determined resistance on the other, at all hazards and to the last extremity." A similar Resolution was reaffirmed by the Virginia Legislature onthe 20th of January, 1849, accompanied with a request that the governor of the State, on the passage of the "Wilmot Proviso," or of any law abolishing slavery or the slave trade in the District of Columbia, should immediately convene the Legislature in extraordinary session "to consider the mode and measure of redress." Even after the so-called "compromise measures of 1850" had been enacted by Congress, declarations still more emphatic and proceedings still more positive were promulgated by the Legislatures of Mississippi and South Carolina.

"The great pacification" of 1850 had failed to pacificate. How fond was the illusion wrought by it may be read in the fact that though the two great political parties of the country, the Whig and the Democratic, had accepted "the Compromise Measures of 1850" in their respective "platforms" for the Presidential election of 1852, as putting "a finality" to the slavery agitation and as the supreme test of political orthodoxy; and though the candidates of the latter had prevailed over those of the former because they were supposed to stand "more fairly and squarely" on the basis of that adjustment, yet it was reserved for the leaders of the Democratic party, in this very matter of the Territories and their government, to reopen the whole slavery agitation with a breadth and violence never before known in our annals. Because the surface of our political sea was at that moment no longer swept by storm and tempest, men flattered themselves with the hope that the winds of sectional passion were dead, whereas they were only tied for a season in the bag of Æolus. Their roar might still be heard by those who had ears to hear.

Congress in 1853 and 1854 was called to organize the Territory of Nebraska, carved out of that portion of the Louisiana purchase which, lying north of 36° 30′ north latitude, was covered by the Missouri compromise of 1820 prohibiting slavery. At first the Committee on Territories in the Senate, Stephen A. Douglas being chairman, did not propose to disturb the terms of that compromise; but the Territorial Bill for Nebraska, in respect of the legislative power it conferred, was couched in the same terms as had been prescribed in the bills for the government of Utah and New Mexico. As those bills were meant to leave these Territories *tabulæ rasæ* in the matter of slavery and its relations, it was indeed hinted by the committee that the "principles" on which those bills proceeded were inconsistent with the retention of a "compromise" which had placed an invidious limitation on popular sovereignty in the Territories, under the guise of placing an invidious interdict on slavery. After hesitating for a time on the brink of the chasm which he saw to be yawning before him, Mr. Douglas, on the 23d of January, 1854, in the act of reporting a bill for the organization of two Territories, one to be called Nebraska and the other Kansas, boldly proclaimed the doctrine that the Constitution and all laws of the land extended to these Territories "*except* the Eighth Section of the

Act preparatory to the admission of Missouri into the Union, approved March 3, 1820, which was superseded by the principles of the legislation of 1850, commonly called 'the Compromise Measures,' and is declared inoperative and void"—that is, the terms of "the Missouri compromise," which the committee of the Senate were "not prepared to depart from" when they made their first report, were now declared to have been already repealed by the later compromises of 1850.

As two rays of light, when they impinge in the physical realm, may so neutralize each other as to produce darkness, so it would seem that two "compromises" when they impinge in the political sphere, may so neutralize each other as to produce an explosion. Certain it is that the repeal of "the Missouri compromise," while having for its avowed object to effect the sempiternal banishment of "the slavery agitation" from the Halls of Congress, and its localization in the distant domain of the Territories, had for its consequences to set the whole nation by the ears. It threw the apple of sectional discord into Congress, into the Supreme Court, into every home in the whole land.

How far our Federal politics in this recoil from a recorded precedent and an established landmark had swung from the moorings of the Constitution in the matter of the Territories and the power of Congress over them may be gauged by a single remark which Mr. Calhoun dropped in the last speech he ever delivered in the Senate (it was on the 4th of March, 1850), when he referred to the fact that as recently as during the debate on the organization of Oregon Territory, everybody in the Senate, if he mistook not, "had taken the ground that Congress has the sole and absolute power of legislating for the new Territories." Congress in 1855, smitten with paralysis by the shock of "an irrepressible conflict" between the "free States" and the "slave States," was compelled to declare its *déchéance* as to a power so singly vested in it that its power was "sole," and so fully vested in it that its power was "absolute." In fact, it was not the quality or extent of the power, *but the incidence of the power*, which led the politicians to shuffle it out of sight.

The first effect of the effort to "localize" the "slavery agitation," by relegating it to the Territories, was to precipitate a political and military crusade alike from "the North" and from "the South" for the speediest possible seizure and occupation

of the two strategic points of Kansas and Nebraska, which had been so rashly uncovered by the tactical blunders of politicians maneuvering for a position. A second effect of the new policy was to convert the form of the Supreme Court into the *champ-clos* of a judicial tourney which, by its decision, served only the more to embroil the fray it was sought to compose. The *Dred Scott decision* is commonly supposed to have placed its ægis over the rights of slave property in the Territories during the interim of their subordination to the power of Congress, but when the opinion of Chief Justice Taney, which was read as the opinion of the Supreme Court in that famous case, is collated and compounded with the separate opinions of the Justices who, it is supposed, "concurred" in that decision, this conclusion is by no means clear or certain. Among the "concurring" Justices there is surely no one who, whether for his learning or his character, is entitled to greater weight than Mr. Justice Campbell. But that great jurist, in passing on the merits of the case, expressly stated that he did not "feel called upon to decide the jurisdiction of Congress," and that "courts of justice could not decide how much municipal power may be exercised by the people of a Territory before their admission into the Union." Indeed the *Dred Scott decision* did but render the confusion worse confounded. It was discovered at last that "the ark of safety," to which our statesmen, from the origin of the Government, had looked for refuge from the turbulence of the "Territorial Question," could not outride the storm.

It remains, then, to say that the dogma of "popular sovereignty in the Territories," never a principle of the Constitution, and never striking any root in the history of the country before the date of our Mexican acquisitions, was a mere expedient and makeshift, invented for the evasion of a duty which Congress had become incompetent to perform because of the schism in our body politic—a schism created by the wrench and strain of two distinct social systems contending for supremacy in the same national organism.

I have ventured on this long review not only for the historic interest of its separate stages, but also for the light it sheds on the difference between the opposing forces which at different epochs met and impinged at the same point of impact—the public territory. At the epoch of the ratification of the Articles of Confederation, at the conclusion of peace with Great

Britain in 1783, at the formation of the Constitution in 1787, the great differentiation between two classes of States had turned on the question of the ownership, partition, and government of the unoccupied lands wrested from the British Crown. The condition of unstable equilibrium was here produced by the presence and antagonism of two classes of States differently endowed with territorial possessions. Under the Constitution, from 1789 to 1860, this condition of unstable equilibrium resulted in the first stadium of our history from the presence and antagonism of two classes of States with different economic systems, determined by the waning profit of slave labor in the Northern States, and by the increasing profit of slave labor in the Southern States. From an unstable equilibrium swaying primarily in economics, this sectional counterpoise passed, in its second stadium, to an unstable equilibrium swaying in party politics; and this second stadium was reached at the advent of "the Missouri compromise," with its geographical line of discrimination between "the two great repulsive masses," pitted against each other in the same parallelogram of forces—the Federal Union. From the year 1820 to the year 1860, the jar and jostle of these great repulsive masses continued to increase in vehemence of momentum and in amplitude of vibration, until at last they shook the Union to pieces for a season, in the secession of the Confederate States.

It was natural and inevitable that this great oscillation of opposing and enduring forces should have always come to its highest ascensions in the partition and government of the common territory, because it was there that the two contending sections could find the freest field for political rivalry and hope for the largest trophies of political conquest. After the bargain had been struck in the Federal Convention between the trading States of New England and the planting States of South Carolina and Georgia, in virtue of which the former secured the Congressional regulation of commerce, and the latter secured the Constitutional allowance of the slave trade till the year 1808, it was foreseen at the time that two great objects of sectional interest would still survive in the Union —the Fisheries for the benefit of New England, and the Mississippi Valley for the benefit of the Southern States. This fact was not only foreseen, but openly stated on the floor of the Federal Convention.* It does not need to be said that

* Elliot's Debates, vol. v, p. 526.

the question of the Mississippi Valley opened an immensely wider field for the play of economical and political forces within the Union than the question of the Fisheries. The former, in its newly emerging issues, was destined to supply recurring questions of purely sectional and domestic politics. The latter, in its newly emerging issues, could but supply such questions in the second degree, for in the first degree they are always questions of international politics.

All this was clearly perceived, I say, in 1787 and in 1788, when Patrick Henry and William Grayson "thundered and lightened" in the Virginia Convention against the ratification of the Constitution. The struggle for the Territories under our present Constitution has always been, down to 1860, as Grayson phrased it in 1788, "a contest for dominion—for empire" in the Federal Government. It has been a contest on the one side for the protection and extension of slave labor, with the order of economics and politics which such a social system implies; and a contest on the other side, for the protection and extension of free labor, with the order of economics and politics subtended by a diversified system of industry. The distinction between the opposing forces and the point of their impact was revealed at once when the shock of battle came in 1860; for, with the first shock of that battle, the Question of the Territories, as a watchword and challenge between the two sections, sank beneath the horizon of the national consciousness in the twinkling of an eye. The "Territorial Question" never had any significance, except as the earnest and pledge of political ascendency in the Federal Union; and when the civil war came, that significance was buried out of sight by the new form which the impact had taken in passing from words to blows. The antagonistic forces now stood face to face in battle array. The house so long divided against itself had come at last to realize that, if it was not to fall, it "must become all one thing or all the other;" and so it came to pass, rather by the logic of events than by the logic of human wisdom, that the war for the political Union of the States passed into a war for the social and economical unification of the American people. It is sorrow and shame that this beneficent result could not have been reached without the rage and pain of a great civil war; but now that it has been reached, the sorrow and shame of the old epoch, with the rage and pain of the transition period,

are slowly but surely melting away into a new and deeper sense of national unity, with its vaster problems of duty and opportunity. The problems before us are indeed of increased complexity and difficulty, but they move no longer in the political dynamics of two distinct civilizations, each boasting its superiority to the other, and each wasting its energy by working at perpetual cross purposes with the other. The energies formerly expended in the "irrepressible conflict of opposing and enduring forces" can now be conserved in the political dynamics of a unified civilization, and can be correlated into new forms of social and economical evolution, without detriment to our "indestructible Union of indestructible States."


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